

COPY OF PAPERS
ORIGINALLY FILED

PATENT
ATTORNEY DOCKET NO.: GENE1400-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Zhang and Hofmann Art Unit: 3762
Application No.: 09/966,390 Examiner: Unassigned
Filed: September 27, 2001
Title: METHOD AND APPARATUS FOR ELECTRICALLY ASSISTED
TOPICAL DELIVERY OF AGENTS FOR COSMETIC APPLICATIONS

ATTN: BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application, please find:

1. Petition Regarding Omitted Item(s) to the Notice mailed March 20, 2002;
2. Copy of Withdrawal of Previously Sent Notice;
3. Copy of Notice of Omitted Item(s) in a Nonprovisional Application;
4. One (1) Substitute Sheet of Formal drawing for Figures 7A and 7B;
5. Change of Attorney Address in Application;
6. Check No. 506553 in the amount of \$130.00; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, **April 19, 2002**, in an envelope addressed to:
ATTN: BOX MISSING PARTS, Commissioner for Patents,
Washington, D.C. 20231

Cecilia Tobin
(Name of Person Mailing Paper)

Cecilia Tobin April 19, 2002
(Signature) (Date)



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Commissioner for Patents
Washington, D.C. 20231

PETITION REGARDING OMITTED ITEM(S)

Sir:

This petition is submitted in response to the Notice of Omitted Item(s) in a NonProvisional Application mailed March 20, 2002. In that communication it is stated that Figures 7A and 7B described in the specification appear to have been omitted from the application. However, Figure 7A and 7B were not omitted. Figure 7, which contained the subject matter of Figures 7A and 7B, was submitted with the application as originally filed. Applicants have also responded to the Notice of Missing Parts mailed March 29, 2002 by submitting formal drawings for this application in which Figure 7 contains the subject matter of Figures 7A and 7B. Applicants hereby re-submit the substitute formal drawing for Figure 7, (which has now been re-labeled as Figure 7A and Figure 7B to match the description of the Figures in the specification).

05/01/2002 BABRAHA1 00000085 09966390

01-FC-122

130.00 OP

Adjustment date: 05/22/2002 SSALEEKU
05/01/2002 BABRAHA1 00000085 09966390
01-FC-122 -130.00 OP

Repln. Ref: 05/22/2002 SSALEEKU 0013462700
DAH:501355 Name/Number:09966390
FC: 704 \$130.00 CR

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April 19, 2002 , in an envelope addressed to: ATTN: BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231	
<u>Cecilia Tobin</u> (Name of Person Mailing Paper)	
<u>Cecilia Tobin</u> April 19, 2002 (Signature) (Date)	

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The substitute formal drawing containing Figures 7A and 7B does not constitute new matter. A copy of the Withdrawal of Previously Sent Notice and the Notice of Omitted Item(s) in a NonProvisional Application is also included herewith.

It is respectfully requested that Figures 7A and 7B be considered in the examination of this application and be given a date of deposit of September 27, 2001.

The required fee under 37 C.F.R. §1.17(h) of \$130.00 accompanies this Petition. No fee other than that submitted herewith is deemed necessary in the filing of this paper. However, if any additional fee is required, the Commissioner is authorized to charge, **OR CREDIT** Deposit Account No. 50-1355.

Respectfully submitted,


Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: April 19, 2002
USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

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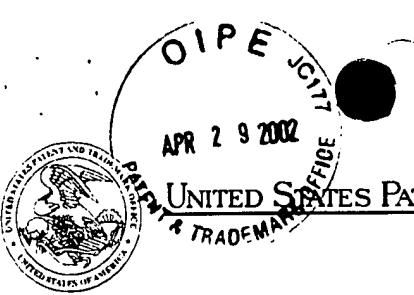
Enclosed is Check No. 506553 in the amount of \$130.00 for the Petition filing fee. However, if any additional fee is required, the Commissioner is authorized to charge, OR CREDIT Deposit Account No. 50-1355. A duplicate copy of this sheet is attached.

Respectfully submitted,



Lisa A. Haile
Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

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PATENT DOCKETING

MAR 25 2002

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/966,390	09/27/2001	Lei Zhang	GENE1400-2

CONFIRMATION NO. 7376

FORMALITIES LETTER



OC000000007672156

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
Suite 1600
4365 Executive Drive
San Diego, CA 92121-2189

Date Mailed: 03/20/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 7A, 7B described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Caitlin Ma

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE